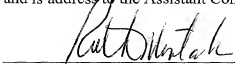


02 FEB 2001

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Ruth Montalvo  
Date

Docket No.:GK-JEN-2074/500347.20059

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Peter Czerney et al  
Serial No.: 09/700,072  
Filed: November 10, 2000  
For: LASER-COMPATIBLE NIR-MARKER DYES

**SECOND PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Supplemental to the Preliminary Amendment filed simultaneously with the application  
on November 10, 2000, please amend the above-identified application as follows:

**IN THE SPECIFICATION:**

Page 5, line 6, change " $\text{PO}_3$ " to " $\text{PO}_3^{2-}$ ".

**IN THE CLAIMS**

Please substitute claims 11, 12 and 13 previously submitted in the Preliminary

--BACKGROUND OF THE INVENTION--;

--a) Field of the Invention--;

line 8, after this line insert the heading:

--b) Description of the Related Art--;

Page 3, line 6, after this line insert the heading:

--OBJECT AND SUMMARY OF THE INVENTION--;

line 7, after "It is the" insert --primary--;

Page 5, line 6, change "PO<sub>3</sub>" to --PO<sub>32</sub>--;

line 22, change "NH<sub>2</sub>" to -- NH<sub>2</sub> --;

Page 6, line 27, after this line insert the heading:

--BRIEF DESCRIPTION OF THE DRAWINGS --;

after this line insert the paragraph:

--In the drawings:--;

Page 7, line 12, after "ion laser);" insert --and--;

line 14, after this line insert the heading:

--DETAILED DESCRIPTION OF THE INVENTION--;

Page 13, last line, after this line insert the following paragraph:

--While the foregoing description and drawings represent the present invention, it will be obvious to those skilled in the art that various changes may be made therein without departing from the true spirit and scope of the present invention.--

Amendment dated November 10, 2000 as follows:

--11. Laser-compatible NIR marker dyes according to claim 1, wherein they are used for optical labeling of proteins, nucleic acids, oligomers, DNA, RNA, biological cells, lipids, polymers, drugs or polymer particles.

131 12. A method for qualitative or quantitative determination of proteins, nucleic acids, oligomers, DNA, RNA, biological cells, lips, polymers, drugs or polymer particles, comprising the step of providing functional groups of the laser-compatible NIR marker dyes which are covalently linked to an OH-, NH<sub>2</sub>- or SH-function of the substances to be determined.

13. The method according to claim 12, wherein the coupling reaction is carried out in aqueous solution.--

#### REMARKS

As a result of a Notice of Defective Translation dated January 4, 2001, filed concurrently herewith is a new certified English translation which now contains claims 1-10 as published (Publication No. W0 00/53678).

Based on the new translation, claims 11-13 have now been added by this amendment. Additionally, the specification has been amended to correct a minor error in the specification.

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

By: 

Gerald H. Kiel  
Reg. No. 25,116

February 2, 2001  
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Enc.